



# Public Notice

**US ARMY CORPS  
OF ENGINEERS  
St. Louis District  
Gateway to Excellence**

**Reply To:  
U.S. Army Corps of Engineers  
Attn: CEMVS-OD-F  
1222 Spruce Street  
St. Louis, Missouri 63103-2833**

**Public Notice No.  
P-2513  
Public Notice Date  
December 27, 2005**

**Expiration Date  
January 17, 2006**

**Postmaster Please Post Conspicuously Until:**

File Number: MVS-2003-3620

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached map.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CEMVS-OD-F (Alan Edmondson)  
1222 Spruce Street  
St. Louis, Missouri 63103-2833

**APPLICANTS:** Waterway Investments, Liberty Harbor, #1 Liberty Drive, Portage Des Sioux, Missouri 63373 (ATTN: Jerry and Norbert Rohe)

**LOCATION:** The project is proposed to occur on the right descending bank of the Mississippi River at approximate river mile 213. The proposed activity occurs within the confines of Liberty Harbor, located specifically at latitude 38:55:59 7572, and longitude -90:21:06.2073, Township 48 North, and Range 07 East, in the City of Portage des Sioux, St. Charles County, Missouri.

**PROJECT DESCRIPTION:** The purpose of the project is to construct 3 additional harbor areas, increase the harbor inlet by 80 feet, and make improvements to the preexisting boat harbor, (See attached map). The new boat harbors will be approximately 200 feet wide by 640 feet long, 180 feet wide by 640 long, and 200 feet by 700 feet, respectively. Other proposed activities are annotated by number on the attached harbor diagram and correspond with the following numbers: 1.) The marina will be dredged to maintain a bottom depth of approximately 8 feet. 2.) A future bath house is proposed. 3.) A ship store and gas station is proposed. 4.) A service shop is proposed. 5.) A restaurant is proposed. 6.) The harbor areas will be lined with approximately 7,350 feet of riprap. 7.) Approximately 15,000 cubic yards of fill. 8.) Approximately 30,000 cubic yards of fill. 9.) Approximately 80,000 cubic yards of fill. 10.) Approximately 41,929 cubic yards of fill. 11.) A new gravel road is proposed. 12.) Straighten and riprap approximately 975 feet of Mississippi shoreline. (See attached drawings for approximate locations.) While the Corps of Engineers does not have jurisdiction over non-wetland areas, the placement of some dredged material will occur on upland sites adjacent to the river during project construction. A site visit revealed that there is a small wetland area in the proposed Harbor 2 site. The emergent wetland is approximately .09421 acres in size and measures 108 feet long and 38 feet wide. This area would be excavated to form Harbor 2. The site visit also revealed that material dredged from the existing harbor was placed on proposed Harbor 3 site, instead of being placed in the previously authorized disposal

previously authorized disposal site. This site visit revealed that the area proposed as Harbor 3 contained approximately 1.15 acres of wetlands that were temporarily filled with the dredge material. While the applicant was aware of the need to apply for a Department of the Army permit before placing the disposal material in wetland areas, the area was filled prior to the site visit from the Corps to designate areas which may be jurisdictional. The applicant placed spoil on the area because he believed that practice had been done before by previous owners. It should be noted that if the permit is authorized, the 1.15 acres of wetlands in proposed harbor 3 would be excavated to make way for harbor 3. The applicant has fuel tanks on site used for refueling of vessels. The applicant has applied for the appropriate permits through the state of Missouri Department of Natural Resources for operation of the tanks on site. The applicant is aware of possible mitigation requirements but has yet to decide upon a mitigation option.

**LOCATION MAPS AND DRAWINGS:** See attached.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Alan Edmondson, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8811. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to [alan.r.edmondson@mvs02.usace.army.mil](mailto:alan.r.edmondson@mvs02.usace.army.mil).

**AUTHORITY:** This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**WATER QUALITY CERTIFICATION:** The project plans have been submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Pollution Control Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

**SECTION 404 (b)(1) EVALUATION:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

**ENDANGERED SPECIES:** A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

**CULTURAL RESOURCES:** The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects.

Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

  
DANNY D. MCCLENDON  
Chief, Regulatory Branch

Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

# Liberty Harbor

## MVS-2003-3620



Dec 13, 2005  
Made By: AE



State: Missouri  
County: St Charles  
Nearest City: Portage Des Sioux  
Latitude: 38:56:01.5600  
(38.93376668)  
Longitude: -90:20:59.1998  
(-90.34977772)  
UTM X: 0729724.469

UTM Y: 4312558.933  
UTM Zone: 15  
USGS Quad: Elsay  
HUC 8 Name: Peruque-piasa  
HUC 8 Number: 07110009  
Section:  
Township:  
Range:  
Meridian:

# Liberty Harbor

## MVS-2003-3620

Liberty Harbor  
Portage des Sioux  
Miss. Rvr mile 213



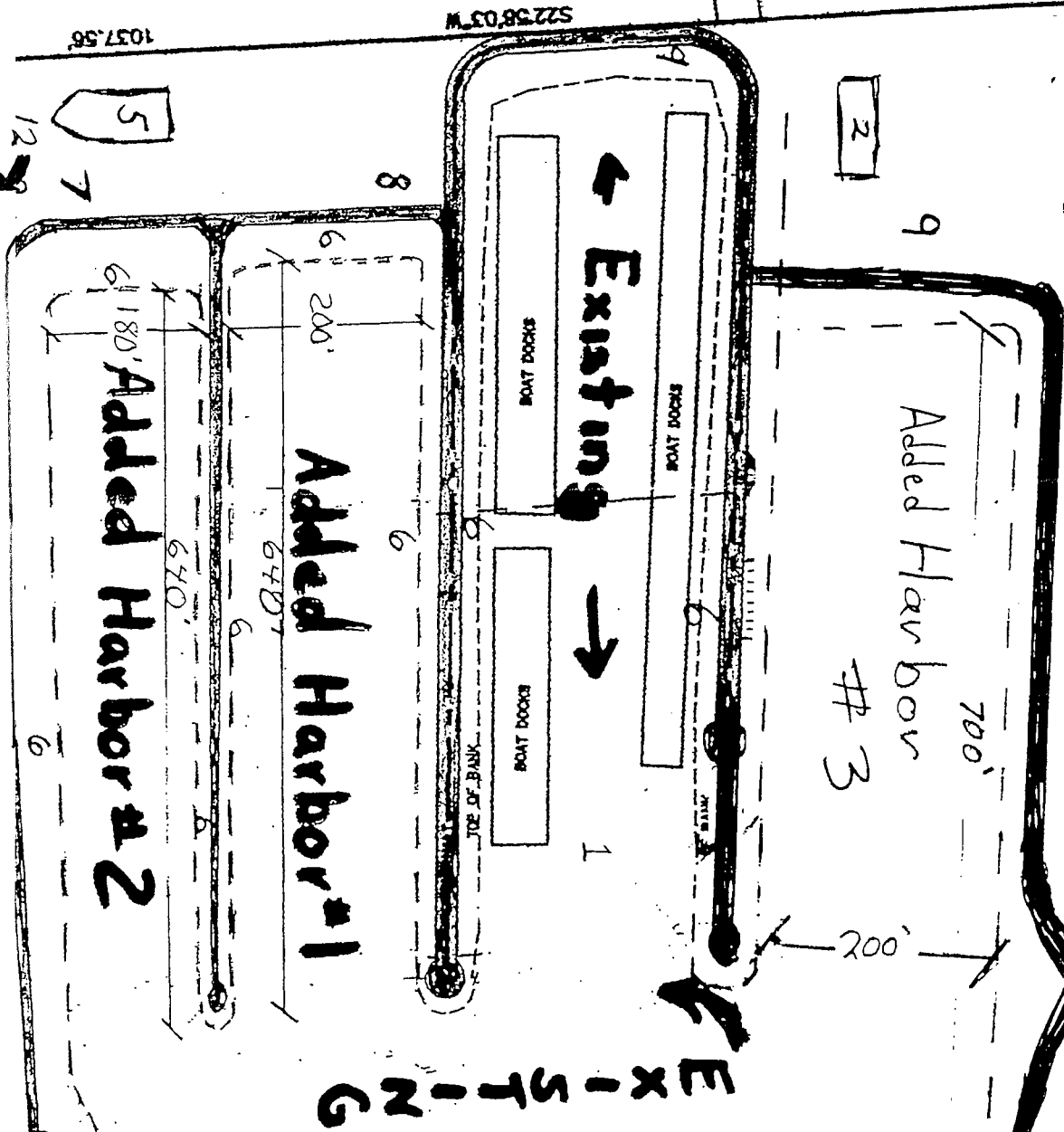
Dec 13, 2005  
Made By: AE



State: Missouri  
County: St Charles  
Nearest City: Portage Des Sioux  
Latitude: 38:55:55.2328  
(38.93200911)  
Longitude: -90:20:59.9486  
(-90.34998571)  
UTM X: 0729712.112  
UTM Y: 4312363.330  
UTM Zone: 15  
USGS Quad: Elsay  
HUC 8 Name: Peruque-piasa  
HUC 8 Number: 07110009  
Section: 1810  
Township: 48 N  
Range: 7 E  
Meridian: Fifth Principal

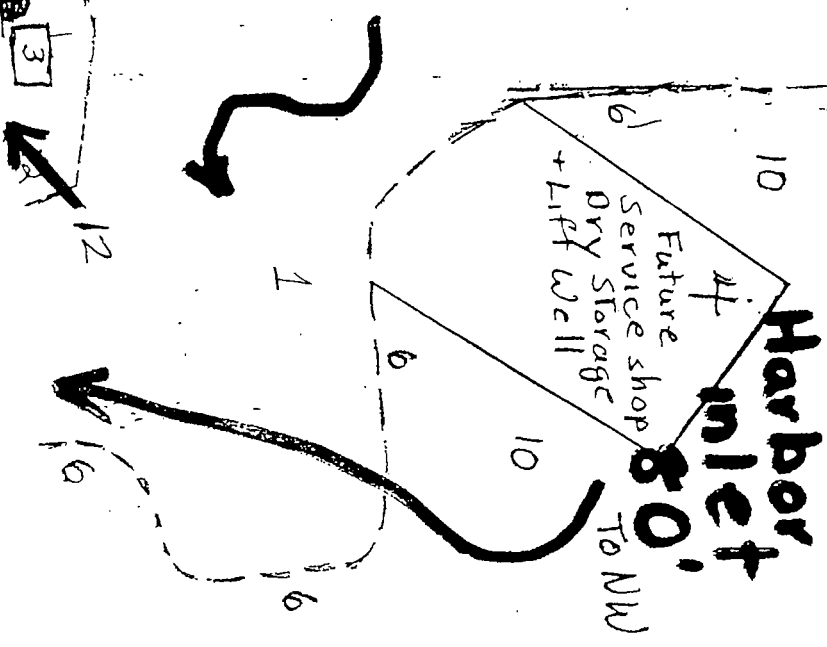
Liberty Dr.  
Drive

- Notes continued
- 7) Approx. 15,000 cubic yds. Fill
  - 8) Approx 30,000 cubic yd. Fill
  - 9) Approx 80,000 cubic yds Fill
  - 10) Approx 41,929 cubic yds Fill
  - 11) ~~New~~ New Gravel Road
  - 12) Straighten out Shoreline for RipRap 9



# Liberty Harbor

- 1) Harbor To maintain 8' depth.
  - 2) Future Bath House
  - 3) Future Ship Store + Gas Sta.
  - 4) Future Service Shop
  - 5) Future Restaurant
  - 6) 7,350' of Rip Rap
- Notes extended left side of Page



1037.56

S22°38'03"W